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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,058

12/30/2003

Edmond Heng Lim

LIM1

7391

45498 7590 02/22/2007

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EXAMINER

ELKINS, GARY E

ART UNIT

PAPER NUMBER

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/749,058

Applicant(s)

LIM, EDMOND HENG

Examiner

Gary E. Elkins

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-14 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102, 103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by Lim '217 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lim '217 in view of Brokop. Lim '217 discloses a folding serving tray including a beverage support member (70) which extends under a plane of a center panel (4, 44). The beverage support member (70) is considered to be fixedly attached at both ends in the erected position of the holder, i.e. the member (70) in Lim '217 is integrally formed with the carrier at (72) and is interlocked at the opposite end which is considered to fixedly attach the end against inadvertent movement. Alternatively, Brokop teaches that it is known to fixedly attach a box element (42) by gluing the element in the erect condition of the container. It would have been obvious to substitute glue for the interlock in the support member of Lim '217 as taught by Brokop to provide a non-removable and more secure end attachment of the support member. Both gluing and interlocking are well known techniques for securing box portions together.

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4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim '217 in view of either Correll '932 or Correll '949, or alternatively, Lim '217 in view of Brokop and either Correll '932 or Correll '949. Lim '217 discloses a serving tray including center panel (4), sidewalls (6, 10, 14, 18), center panel extension section (44) and support panel (70). Lim '217 does not disclose locking means either substantially identical to or equivalent to the locking means described in the specification. Each of Correll '932 and Correll '949 teaches that it is known to secure panels of a fold-box using locking means (56, 80; 42, 104, respectively). It would have been obvious to connect a corner of the tray in Lim '217 using an interlocking tab and slot construction as taught by either Correll '932 or Correll '949 to provide a stronger and more positive interlock of the corners of the tray. The beverage support member (70) in Lim '217 is considered to be fixedly attached at both ends in the erected position of the holder, i.e. the member (70) in Lim '217 is integrally formed with the carrier at (72) and is interlocked at the opposite end which is considered to fixedly attach the end against inadvertent movement. Alternatively, Brokop teaches that it is known to fixedly attach a box element (42) by gluing the element in the erect condition of the container. It would have been obvious to substitute glue for the interlock in the support member of modified Lim '217 as taught by Brokop to provide a non-removable and more secure end attachment of the support member.

Allowable Subject Matter

5. Claims 6-14 and 16-20 are allowed.

Response to Arguments

6. Applicant's arguments filed 05 December 2006 have been fully considered but they are not persuasive.

The remarks assert that the support member in Lim '217 is not fixed attached at opposite ends since the support member is capable of being detached at one end. In response, the phrase "fixedly attached" is considered to encompass an end which is fixedly attached against inadvertent removal. The end of the support member in Lim '217 is considered to be fixedly attached by interlock of the end. The phrase is also not considered to render the claim allowable insofar as gluing of the end (as an alternative to attachment using an interlock) would have been an obvious alternative connection. Both interlocks and gluing are notoriously well known ways of attaching box elements together in this art.

Conclusion

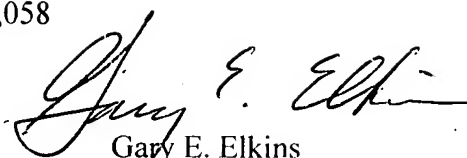
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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A handwritten signature in cursive script, reading "Gary E. Elkins".

Gary E. Elkins
Primary Examiner
Art Unit 3782

gee

17 February 2007